



(255183350) On-line FOIA Request  
 idaemon.rtpnc.epa.gov to: Group R4Foia

09/13/2010 06:33 PM

2010 SEP 14 A 11:27

01\_NAME\_: Sarah Stokes  
 02\_COMPANY\_: Southern Environmental Law Center  
 03\_ADDRESS\_: 2829 2nd Ave. S.  
 04\_CITY\_: Birmingham  
 05\_STATE\_: AL  
 06\_ZIP\_: 35233  
 07\_EMAIL\_: sstokes@selcal.org  
 08\_PHONE\_: 205-745-3060  
 09\_FAX\_: 205-745-3064

FREEDOM OF  
 INFORMATION OFFICE

DATE: 09/13/10  
 BY: [Signature]  
 FOR: [Signature]

SEARCHED	INDEXED
SERIALIZED	FILED
SEP 13 2010	FBI - BIRMINGHAM

10\_SPECIFIC\_INFORMATION\_NEEDED\_: The Southern Environmental Law Center (SEL) requests all draft or final documents in the possession or control of the E.P.A. that relate to the Northern Beltline (Beltline), the interstate proposed for Jefferson County north of Birmingham, AL, (other names include, but may not be limited to, High Priority Corridor X-1, ARC Corridor X-1, State Route 959, or Interstate 422).

Please include in your response any permits, applications or environmental assessments associated with the Beltline.

For the purposes of this request, the term "documents" includes all written, printed, recorded or electronic materials, communications, correspondence, memoranda, notations, copies, diagrams, charts, maps, photographs, tables, spreadsheets, formulas, directives, observations, impressions, contracts, letters, messages and mail in the possession or control of EPA.

11\_FEE\_: Other Specified Amount, 50.00

12\_FEE\_WAIVER: Yes

13\_FeeWaiver\_text: SELC is requesting photocopies without charge, or at a reduced charge, because reduction or waiver of fees would be in the public interest. A disclosure is in the public interest if (1) it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) it is not primarily in the commercial interest of the requester. The public interest standard of the fee waiver provision of the FOIA should be "liberally construed" in favor of waivers. *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987); *Pederson v. Resolution Trust Corp.*, 847 F. Supp. 851, 855 (D.Colo.1994); *Etlinger v. FBI*, 596 F. Supp. 867, 872 (D. Mass. 1984). The goal of the statute is to avoid the "roadblocks and technicalities which have been used by various Federal agencies to deny waivers...." *Pederson*, 847 F. Supp. at 855.

SELC is a 501(c)(3) non-profit organization with over 20 years of experience disseminating public information regarding Corps regulatory and operations issues. See 5 U.S.C. § 552 (a)(4)(A)(iii). SELC maintains a website that includes both general and topic-specific information regarding the matters with which SELC is involved. For example, SELC frequently publishes reports and issues press releases regarding its projects (See e.g., "Clean Air for the Birmingham Area",

[http://www.southernenvironment.org/uploads/publications/BAR\\_0909\\_Final.pdf](http://www.southernenvironment.org/uploads/publications/BAR_0909_Final.pdf), and "Four Environmental Groups Seek to Defend Greenhouse Gas Rule in Court" [http://www.southernenvironment.org/newsroom/press\\_releases/tailoring\\_rule\\_motion\\_to\\_intervene/](http://www.southernenvironment.org/newsroom/press_releases/tailoring_rule_motion_to_intervene/). Lawyers at SELC are interviewed by the media to explain their work and its significance. (See, e.g., "Freeze on Offshore Drilling was Verbal Order," NPR, May 25, 2005, <http://www.npr.org/templates/story/story.php?storyId=127114044>.) SELC's

website contains documents

ts generated by SELC for the specific purpose of educating the public on particular issues. (See e.g., "Alabama Water Agenda; Guiding the Way to Healthy Waters" [http://www.southernenvironment.org/uploads/publications/al\\_water\\_agenda\\_jan07.pdf](http://www.southernenvironment.org/uploads/publications/al_water_agenda_jan07.pdf))). SELC also assists the public in locating information relating to a particular topic by collecting and posting relevant information, documents, and links to other websites.

All of this information is available for free to any interested member of the public. SELC staff members also educate the public by speaking at conferences and other public meetings about environmental and natural resource issues in the Southeast. A fee waiver clearly will benefit the general public through increased notice and understanding of the operations of the government and of potential or proposed major policy incentives. SELC further certifies that disclosure of the information sought is not primarily in the commercial interest of the requester.

Should SELC's request for reduced or waived fees be denied, SELC is prepared to bear the reasonable duplication and search costs necessary to fulfill this request. However, I request you contact me before processing this request if the fee is expected to be in excess of \$50. SELC reserves its right to appeal a fee waiver or reduction denial.

If you have any questions regarding this request, please feel free to call me at 205-745-3060. Thank you for your prompt attention to this matter. We look forward to receiving the public records requested.

14\_EXPEDITED\_PROCESSING:Yes

15\_ExpeditedWaiver\_text:Work on the Beltline may have begun, and understading the scope and extent of this work is in the public interest for the people of Alabama.

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**WARNING NOTICE**

This electronic mail originated from a federal government computer system of the United States Environmental Protection Agency (EPA). Unauthorized access or use of this EPA system may subject violators to criminal, civil and/or administrative action. For official purposes, law enforcement and other authorized personnel may monitor, record, read, copy and disclose all information which an EPA system processes. Any person's access or use, authorized and unauthorized, of this EPA system to send electronic mail constitutes consent to these terms.

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Submitting script: /cgi-bin/mail.cgi

Submitting host: smtp.selcva.org (209.145.85.80)

Browser: Mozilla/4.0 (compatible; MSIE 7.0; Windows NT 5.2; .NET CLR 1.1.4322; .NET CLR 2.0.50727; InfoPath.2; MS-RTC LM 8)

Referred: <http://www.epa.gov/foia/requestform.html>

TSSMS: epafoial

Mail to File: R4  
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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

September 20, 2010

OFFICE OF  
ENVIRONMENTAL INFORMATION

Ms. Sarah Stokes  
Southern Environmental Law Center  
2829 2<sup>nd</sup> Avenue South  
Birmingham, AL 35233

RE: Request Number 04-FOI-00813-10

Dear Ms. Stokes:

This is in response to your request for expedited processing and a waiver of fees for the processing of your Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 request. You are seeking a copy of records regarding the Northern Beltline (Beltline), the interstate proposed for Jefferson County north of Birmingham, AL, (other names include, but may not be limited to, High Priority Corridor X-1, ARC Corridor X-1, State Route 959, or Interstate 422).

We have reviewed your submission and based on the information provided, we are granting your request for a fee waiver. However, this fee waiver does not include a waiver of fees for otherwise publically available records.

We have reviewed your expedited processing justification and based on the information provided, we are denying your request for expedited processing. You have not demonstrated that the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual. Your information request will be processed as expeditiously as possible by the US Environmental Protection Agency (EPA) Region 4 office in Atlanta, GA.

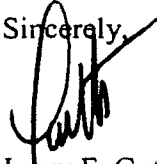
You may appeal this denial to the National Freedom of Information Office, US EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (US Postal Service only), fax: (202) 566-2147, e-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the US Postal Service may be delivered to 1200 Pennsylvania Avenue, NW.

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If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the request number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any questions, please contact me at (202) 566-1667.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry F. Gottesman", written over the word "Sincerely,".

Larry F. Gottesman  
National FOIA Officer